

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

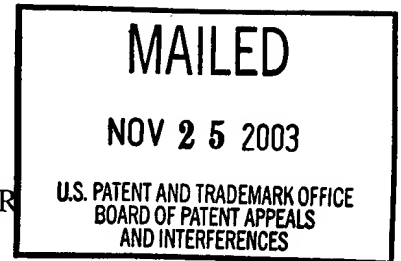
Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte GARY A. LEN and GARY M. KLINEFELTER

\_\_\_\_\_  
Application No. 09/739,080  
\_\_\_\_\_



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 4, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement (Paper No. 2), dated January 11, 2002. There is no indication on the record that the Information Disclosure Statement was considered by the Examiner. A written communication notifying appellant of the Examiner's consideration is required.

Accordingly, it is

**ORDERED** that the application is returned to the examiner to:

1) appropriate consideration of the Information Disclosure Statement dated January 11,

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2002 (Paper No. 2), and providing appellant with a communication acknowledging such consideration;

2) for the examiner to sign the form 1449 Information Disclosure Statement dated January 11, 2002 (Paper No. 2), and

3) for such further action as appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in dark ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

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Application No. 09/739,080

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